

NOTICE OF TEMPORARY VARIANCE APPROVAL

To:

Accredited Certifying Agents

From:

David R. Shipman, Administrator David R. Shipman

Subject:

Temporary Variance from the NOP regulations, §§ 205.237(c) and 205.240, due

to severe drought conditions.

Date:

August 9, 2012

As of August 8, 2012, the Secretary of Agriculture has designated approximately 1,500 U.S. counties as natural disaster areas due to severe drought. While these severe conditions affect all farms in these counties, organic ruminant livestock operations—unless their pasture has access to irrigation—may not be able to meet the organic pasture requirements in the USDA organic regulations.

In response, several certifying agents have requested that organic ruminant livestock operations in affected regions be granted a temporary variance from Sections 205.237(c) and 205.400 of the USDA organic regulations. USDA reviewed these requests for a temporary variance according to NOP regulation requirements in Section 205.290 of the USDA organic regulations. Based upon the submitted evidence, the number of counties included in the temporary variance requests, and the USDA's natural disaster area designations, USDA grants the temporary variance from Sections 205.237(c) and 205.240 of the USDA organic regulations—with these restrictions—for the remainder of 2012:

- This temporary variance applies only to organic ruminant livestock producers located in counties declared as primary natural disaster areas by Secretary Thomas J. Vilsack, as identified at http://bit.ly/natural-disaster-counties.
- This temporary variance applies to non-irrigated pasture only; producers having access to irrigated pasture are not included in the variance.
- Producers must supply at least 15 percent average dry matter intake from pasture, or no more than an 85 percent average of a ruminant's dry matter demand from dry matter fed.
- This temporary variance applies to the 2012 calendar year only; producers must be able to comply with the NOP regulations in 2013 or ask that their certifying agent submit a new temporary variance request for 2013.

If you have any questions regarding this decision, please contact your NOP Accreditation Manager at (202) 720-3252 or via email.